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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: David B. Weiner *et al.*

Serial No.: 09/719,067

Group No.: 1632

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Examiner: Ram Shukla

For: **METHODS AND COMPOSITIONS FOR DELIVERING PROTEINS TO
MACROPHAGE CELLS AND CELLS OF MACROPHAGE DERIVED
LINEAGES**

**DECLARATION OF DR. DAVID B. WEINER
PURSUANT TO 37 CFR § 1.132**

I, Dr. David B. Weiner, declare as follows:

1. I am an inventor in the above-identified patent application.
2. Attached hereto are Exhibits 2-4 that indicate the level of skill and knowledge of those in the art at the time the above-identified application was filed. The exhibits demonstrate that at the time the invention was made, the drainage patterns associated with parts of the lymphatic system were reasonably well understood and reasonably predictable. The exhibits demonstrate that at the time the invention was made, one having ordinary skill in the art could determine the drainage pattern(s) of the lymphatic system and correlate a site of injection to a particular lymph node using routine methodology without undue experimentation.
3. Exhibit 2 states that "For ... the arms or legs, the lymphatic drainage patterns are fairly predictable: the arm drains to the axilla, and the leg drains to the groin." (Exhibit 2, Oncolog, taken from www3.mdanswerson.org/~oncolog/map.html, page 1). Exhibit 2 further states, "When the drainage patterns are ambiguous, lymphoscintigraphy is used to identify nodal basins...Lymphoscintigraphy begins with injection of a radiolabeled colloid into the

Considered
RES 3/23/04